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Attorneys for Defendants  
7 Chase Home Finance, LLC (on behalf of itself and as successor  
in interest to Chase Manhattan Mortgage Corporation) and  
8 James Boudreau

9 UNITED STATES DISTRICT COURT  
10 SOUTHERN DISTRICT OF CALIFORNIA  
11

12 CHRISTOPHER CLARK and JAMES  
13 RENICK, individuals,

14 Plaintiffs,

15 v.

16 CHASE HOME FINANCE, LLC; a Delaware  
LLC doing business in California; CHASE  
17 MANHATTAN MORTGAGE  
CORPORATION, a New Jersey corporation  
18 doing business in California; JAMES  
BOUDREAU, an individual; and DOES 1-25,

19 Defendants.  
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Case No. 08-CV-0500 JM RBB

**DEFENDANTS CHASE HOME  
FINANCE, LLC, CHASE  
MANHATTAN MORTGAGE  
CORPORATION AND JAMES  
BOUDREAU'S REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
REPLY MEMORANDUM IN  
SUPPORT OF MOTION FOR  
JUDGMENT ON THE PLEADINGS  
PURSUANT TO RULE 12(C) OR, IN  
THE ALTERNATIVE, MOTION FOR  
PARTIAL SUMMARY JUDGMENT  
PURSUANT TO RULE 56**

Date: May 30, 2008  
Time: 1:30 p.m.  
Dept.: 16  
Judge: The Hon. Jeffrey T. Miller

Pursuant to Federal Rule of Evidence Sections 201(c) and (d), Defendants Chase Home Finance, LLC ("Chase") (on behalf of itself and as successor in interest to Chase Manhattan Mortgage Corporation ("Chase Mortgage")) and James Boudreau ("Boudreau") (collectively, "Defendants") respectfully request that the Court take judicial notice of the attached "Order Granting-In-Part And Denying-In-Part Defendants' Motion To Dismiss Plaintiff's Complaint Pursuant To Rule 12(b)(6) And Rule 12(b)(1 (Doc. Nos. 11, 12))" in connection with its disposition of Defendants' Motion For Judgment On The Pleadings Or, In The Alternative, Motion For Partial Summary Judgment, true and correct copies of which are attached as Exhibits 1-8. A court may consider matters that are properly the subject of judicial notice without converting a motion to dismiss under Rule 12 into a motion for summary judgment under Rule 56. *See MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986) (court may consider documents subject to judicial notice without converting Rule 12(b)(6) motion to Rule 56 motion); *In re Colonial Mortg. Bankers Corp.*, 324 F.3d 12, 16, 19 (1st Cir. 2003) (same).

Here, Defendants request that the Court take judicial notice of the following documents:

Exhibit 1: Order Granting-In-Part And Denying-In-Part Defendants' Motion To Dismiss Plaintiff's Complaint Pursuant To Rule 12(b)(6) And Rule 12(b)(1 (Doc. Nos. 11, 12) in *Jimenez v. JP Morgan Chase & Co.*, Case. No. 08-CV-0152 W (WMC) (S.D. Cal. May 8, 2008)

Exhibits 1 is properly subject to judicial notice pursuant to Fed. R. Evid. 201(c) and (d). *See Biggs v. Terhune*, 334 F.3d 910, 916 n.3 (9th Cir. 2003) ("Materials from a proceeding in another tribunal are appropriate for judicial notice"); *Estate of Blue v. County of Los Angeles*, 120 F.3d 982, 984 (9th Cir. 1997) (taking judicial notice of court records); *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986) (taking judicial notice of documents filed in another court action); *Schweitzer v. Scott*, 469 F. Supp. 1017, 1020 (C.D. Cal. 1979) (taking judicial notice of court files); *see also United States v. Ritchie*, 342 F.3d 903, 909 (9th Cir. 2003) (noting that courts may take judicial notice of public records).

Exhibit 1 is also directly relevant to one of the primary legal issues in the present motion: whether Labor Code Section 206.5 precludes the release of state labor code claims when they are part of a general release voluntarily signed in exchange for severance benefits. Indeed, as held in

